

S T A T E   R E P O R T E R  
O F  
E D U C A T I O N   L A W  
VOLUME 8

BEFORE THE SUPERINTENDENT OF PUBLIC INSTRUCTION OF THE STATE OF MONTANA:

IN THE MATTER OF the transportation  
appeal of Tyler and other residents  
of Wyola School District No. 29, Big  
Horn County

OSPI 148-88  
Decided: Mar. 29, 1989

Findings of Fact, Conclusions of Law and Order by Nancy Keenan,  
Superintendent of Public Instruction

Appeal from the Big Horn County Transportation Committee.

TRANSPORTATION, Appeal from decision denying continued transportation  
for Wyola S.D. children attending Lodge Grass S.D. by Lodge Grass  
busses.

This matter came before the State Superintendent upon appeal from a decision of the Big Horn County Transportation Committee dated February 24, 1988. The matter being deemed submitted for decision and after careful consideration of the findings of the Transportation Committee and evidence presented and being fully advised in the premises, the State Superintendent now makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. This matter involves a dispute between Wyola Elementary School District No. 29, Big Horn County, and certain families residing within Wyola School District No. 29.

2. The issue of dispute is based on the Wyola Elementary District No. 29 School Board's protest and the decision of the County Transportation Committee not to allow Wyola Elementary students to ride the Lodge Grass High School bus while within the boundaries of the Wyola Elementary District No. 29.

3. The Board of Trustees of Wyola School District No. 29, Big Horn County, are duly elected and qualified representatives of Wyola School District No. 29.

4. The Appellants are residents of Wyola Elementary School District No. 29, Big Horn County, and are parents of elementary school pupils enrolled in Elementary School District No. 27, Lodge Grass, Big Horn County.

5. The Big Horn County Transportation Committee has approved bus routes along the Little Horn Road for both Wyola Elementary District No. 29 to pick up elementary children and for Lodge Grass High School District No. 2 to pick up school children, pursuant to Sections 20-10-101, et. seq., MCA.

6. Lodge Grass High School District No. 2 buses were picking up elementary students inside Wyola Elementary District No. 29 for transport to Lodge Grass Elementary District No. 27.

7. Wyola Elementary School District No. 29 protested to the County Superintendent of Schools as chair of the County Transportation Committee on August 14, 1987.

8. On October 27, 1987, the Big Horn County Transportation Committee rendered a decision not to allow High School District No. 2 buses to pick up elementary children within Wyola Elementary School District No. 29.

9. Children who have high school siblings are allowed to ride the high school bus and be picked up in Wyola School District No. 29.

10. Other children in Wyola School District No. 29 who attend school in Lodge Grass School District No. 27 are transported by their parents into School District No. 27. Prior to the decision of the Transportation Committee these children were picked up inside Wyola School District No. 29.

11. Wyola Elementary School District No. 29 provides transportation for elementary students.

12. The parents appealed the October 27, 1987, decision of the Big Horn County Transportation Committee which held a hearing January 12, 1988, and rendered a decision on February 24, 1988.

From the foregoing Findings of Fact, the State Superintendent enters the following:

CONCLUSIONS OF LAW

1. This is a contested case before the State Superintendent of Public Instruction. Jurisdiction is in the State Superintendent of Public Instruction pursuant to Sections 20-3-107(1)(b), 20-10-132(1)(d), MCA, and 10.6.125 Administrative Rules of Montana.

2. The Big Horn County Transportation Committee has the authority to approve, disapprove, or adjust the school bus routes for each elementary and high school district pursuant to Section 20-10-132, MCA.

3. The Big Horn County Transportation Committee has authority to render decisions and penalties regarding transportation disputes, Sections 20-10-104, 20-10-131, 132, MCA, 39 AG 57 (1982).

4. The children of appellants are not eligible transportees of the Lodge Grass High School District No. 2, Big Horn County.

5. Lodge Grass High School District No. 2, Big Horn County, was operating contrary to transportation law.

From the Findings of Fact and Conclusions of Law, the State Superintendent of Public Instruction enters the following:

ORDER

IT IS HEREBY ORDERED, that the decision of the County Transportation Committee not to allow Wyola elementary students to ride the Lodge Grass High School bus within the boundaries of the Wyola Elementary School District No. 29 is affirmed.

DATED this 29th day of March, 1989.

s/Nancy Keenan  
Superintendent of Public Instruction